In the Supreme Court of the United States

OCTOBER TERM, 1932

No. 461

MARIAN STEEDMAN WILSON, ROBERT GOELET, AND Harlem G. Rubert, as Executors of the Estate of Richard T. Wilson, Deceased, petitioners

v.

CHARLES W. ANDERSON, COLLECTOR OF INTERNAL Revenue for the Third District of New York

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

The respondent does not oppose the petition in this case, if the petition is granted in No. 460.

In No. 460 the present respondent filed a petition for certiorari in this case to review the decision of the court below in so far as it held that part of a loss sustained by the Richard T. Wilson, sr., Trust upon the sale of real estate constituting a part of the corpus, was deductible in the income tax return of Richard T. Wilson, jr., one of the beneficiaries, for the year 1922.

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In the instant petition the petitioners contend that the court below incorrectly held that the will of Richard T. Wilson, sr., created trusts of his residuary estate for the benefit of Richard T. Wilson, jr., and others, and also that it erred in holding that only so much of the loss sustained upon the sale was deductible by the beneficiaries in 1922 as is the ratio of the amount of the proceeds distributed to the beneficiaries in 1922 to the entire proceeds of the sale.

The questions raised in the instant petition are so closely related to those presented in No. 460, that we believe it will be helpful to the Court and desirable from the point of view of the parties, that the Court take jurisdiction of the entire controversy if it is to consider any part of it. The petitioners do not seek to have this petition granted if the petition in No. 460 is denied.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.

NOVEMBER, 1932.

U. S. GOVERNMENT PRINTING OFFICE: 1932